

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS J. WEARE,

Defendant.

**8:21CR130**

**ORDER**

This matter is before the Court on Defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS OUT OF TIME [22]. The Court notes that a jury trial as to this defendant is set for June 15, 2021, before District Judge Brian C. Buescher. For good cause shown, I find that the motion should be granted. Defendant will be given an approximate 21-day extension. Leave is given to file pretrial motions on or before June 9, 2021. Accordingly,

**IT IS ORDERED:**

1. Defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS OUT OF TIME [22] is granted. Pretrial motions shall be filed on or before June 9, 2021.

2. Defendant's jury trial scheduled for June 15, 2021, is cancelled, and shall be rescheduled upon the expiration of the June 9, 2021, pretrial motion filing deadline.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between May 19, 2021, and June 9, 2021, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 20th day of May, 2021.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge